REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Claims 1, 2, 8, 9, and 17 through 19 are pending in the application with claims 3-7 and 10-16 having been canceled and claim1 having been amended. Entry of these amendments is respectfully requested because it is believed they put the application in condition for allowance or in better condition for appeal.

Claims 1, 2, 8, 9, and 17-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (U.S. Patent No. 4,033,829) in view of admitted prior art.

Higgins et al. disclose the inhibition of styrene polymerization during the distillation thereof by incorporating therein, in an amount sufficient to inhibit polymerization thereof, a *dinitrophenol* solution recovered from styrene still residues or tars resulting from the distillation of styrene in the presence of dinitrophenol.

As pointed out in the response to the previous Office Action, dinitrophenol is not a nitroxyl-containing containing compound and thus this patent provides no teaching of the difficulties encountered in using nitroxyl-containing compounds as inhibitors, nor does it suggest that problems involved in using nitroxyl-containing compounds as inhibitors can be overcome by recycling a stream containing such inhibitors at temperatures less than 110° C, as required by the present claims.

The Examiner has acknowledged that Higgins et al. do not specifically disclose that the product stream is recycled at a temperature no higher than about 110° C, but has argued that they disclose that the product stream is processed at a temperature between about 70° C

and 95° C and does not disclose that the recycled product stream is heated up before the recycling step and has therefore taken the position that the recycled product stream would be at a temperature no higher than about 110° C as claimed. The Examiner has specifically relied on the disclosure at column 5 of the patent, at lines 36-44.

The cited disclosure, however, is directed to a step in the process that follows the distillation operation and is concerned with the purification of the dinitrophenol, as the Examiner has apparently realized. There is no reason to believe that such a temperature would be carried through to the distillation step that employs the recycled dinitrophenol. On the contrary, the patent teaches in column 4, at lines 38-41 that the *distillation column* was operated at an overhead pressure of 414 mm Hg which *resulted in a bottoms temperature of approximately 131 °C*. This is precisely the kind of distillation temperature the present Applicants have taught is to be avoided.

Claim 1 has now been amended to clarify that the temperature *in the distillation means* is the temperature that is no higher than about 110° C. This is nowhere disclosed or suggested by Higgins et al.

Accordingly, it is requested that the rejection of claims 1, 2, 8, 9, and 17-19 under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (U.S. Patent No. 4,033,829) in view of admitted prior art be withdrawn.

In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

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